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CONNOLLY BOVE LODGE & HUTZ, LLP			DOTE, JANIS L	
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WILMINGTON, DE 19899			PAPER NUMBER	

1756

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/000,330

Applicant(s)

NAKAMURA ET AL.

Examiner

Janis L. Dote

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16,21,24-30 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16,21,24-30 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. In view of the appeal brief filed on Nov. 8, 2004, and the amendment to the claims filed on Aug. 6, 2004, PROSECUTION IS HEREBY REOPENED. Claim 26 is objected to due to a typographic error that occurred during the preparation of the amendment to claim 26, filed on Aug. 6, 2004. The objection to claim 26 is set forth in paragraph 8, infra.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31. A new notice of appeal fee and appeal brief fee will not be required for applicant to appeal from the new Office action. Any appeal brief filed on or after September 13, 2004 must comply with 37 CFR 41.37.

2. If applicants elect to exercise option (2) above, applicants are notified that the appeal brief filed on Nov. 8, 2004, is not in compliance with the requirements of 37 CFR 41.37(c) for the following reasons:

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(1) The brief does not contain items of the brief required by 37 CFR 41.37(c)(1) under the appropriate headings and/or in the order indicated.

The brief includes the additional headings "VI. Reference Applied Against the claims," "VII. The Rejections appealed from," and "X. Conclusion." These three headings are not proper headings under 37 CFR 41.37(c).

Moreover, the brief does not use the appropriate headings set forth under 37 CFR 41.37(c). The following example is not exhaustive: the brief uses the heading "Summary of invention," instead of the appropriate heading set forth under 37 CFR 41.37(c) "Summary of claimed subject matter."

37 CFR 41.37(c) states that the "brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section . . . (i) Real party of interest . . . (ii) Related appeals and interferences . . . (iii) Status of claims . . . (iv) Status of amendments . . . (v) Summary of claimed subject matter . . . (vi) Grounds of rejection . . . (vii) Argument . . . (viii) Claims appendix . . . (ix) Evidence appendix . . . (x) Related proceedings appendix . . ."

(2) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure, material, or

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acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v).

The following example is not exhaustive: with respect to the subject matter recited in claims 16, 26, and 28, the brief refers to the specification "at pages 3, 4, 7, and in particular the last paragraph of page 4 for the binder resin, and the third full paragraph at page 7 for the colorant." The brief fails to indicate the disclosure relied on pages 3, 4, and 7, by line numbers, e.g., page 4, lines xx-yy.

In addition, the brief separately describes the subject matter recited in instant dependent claim 29 and 30, but fails to present separate arguments for the claims in the "argument" section. Claims 29 and 30 are listed in the subheading "Claims 26, 27, 29, and 30." (Note that dependent claims 29 and 30 do not depend from claim 26; they depend from claim 28.)

(3) Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a

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group. Any claim argued separately should be placed under a subheading identifying the claim by number. A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim. See 37 CFR 41.37(c)(1)(vii).

The brief improperly places the subheading "Claims 16, 21, 24, and 25" before the separate heading "Rejection of Yoshikawa combined with Minami, as evidence [sic] by the Aldrich and Polyme.r [sic]."

Moreover, the heading "CLAIM 25 IS ALLOWABLE OVER THE PRIOR ART" does not comply with 37 CFR 41.37(c)(1)(vii) because claim 25 was not rejected under the prior art rejection, and therefore the heading does not belong under the heading "(vii) Argument."

The brief also does not present separate arguments as to why claim 28 and the group of claims 26, 27, 29, and 30 are separately patentable from each other and from the group of claims 16, 21, 24, and 25. The brief merely points out what claim 28 and claims 26, 27, 29, and 30 recite, and appears to merely repeat the same arguments used against claims 16, 21, 24, and 25, regarding the reference to Yoshikawa.

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3. The amendment filed on Aug. 6, 2004, after the final rejection mailed on May 3, 2004, has been entered. The examiner acknowledges the cancellation of claims 17-19 and 31-34, and the amendments to claims 16, 21, 24-26, 28, and 35, in the amendment on Aug. 6, 2004. Claims 16, 21, 24-30 and 35 are pending.

4. The objection to the specification under 35 U.S.C. 132, set forth in the final rejection mailed on May 3, 2004, paragraph 3, item (1), has been withdrawn in response to the deletion of the paragraph at page 3, line 11, of the specification -- "Intrinsic viscosity (i.v.) is used throughout the specifications and the i.v. is measured in decalin at 133°C" --, in the amendment filed on Aug. 6, 2004.

The rejections of claims 18, 19/18, 21/18, 24/18, 25/18, 34/(16,18) and 35/18 under 35 U.S.C. 112, second paragraph, set forth in the final rejection mailed on May 3, 2004, paragraph 5, have been mooted by the cancellation of claims 18, 19, and 34 and the amendments to claims 21, 24, 25, and 35, deleting their dependence on now-cancelled claim 18, set forth in the amendment filed on Aug. 6, 2004.

The rejection of claims 17 and 18 under 35 U.S.C. 112, first paragraph, set forth in the final rejection mailed on May 3, 2004, paragraph 7, items (1) to (4), have been mooted by

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the cancellation of claims 17 and 18 set forth in the amendment filed on Aug. 6, 2004.

The rejection of claims 16, 21/16, 26-30, and 35/16 under 35 U.S.C. 103(a) over US 5,817,843 (Masuda) combined with US 5,741,617 (Inaba) and US 5,179,171 (Minami), as evidenced by the Aldrich Catalog, page 1063, and Polymer Technology Dictionary, page 487, set forth in the final rejection mailed on May 3, 2004, paragraph 9, has been withdrawn in response to the amendments to independent claims 16 and 26, set forth in the amendment filed on Aug. 6, 2004. The amendments to claims 16 and 26 added the limitation that the colorant is "carbon black, diazo yellow, phthalocyanine blue, quinacridone, carmine 6B, monoazo red or perylene." Masuda teaches a toner comprising a particular colorant, a quinizarin dye, which is outside the scope of the colorant recited in instant claims 16 and 26.

5. The amendment filed on Dec. 2, 2002, is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:



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The amendment at page 3, line 11, of the specification, adding the disclosure describing the conditions set forth in the German standard DIN 53461-B (January 1987) for determining values of the heat-distortion temperature (HDT), lacks antecedent basis in the originally filed specification. The originally filed specification does not define the German standard DIN 53461-B, or the experimental conditions under which the HDT is determined. Nor does the originally filed specification disclose the date of the particular version of the standard that was used.

Applicants are required to cancel the new matter in the reply to this Office Action.

Applicants' arguments filed in the amendment filed on Aug. 6, 2004, have been fully considered but they are not persuasive.

Applicants assert that the "amendment describing the DIN specification is supported in the DIN as discussed in the amendment filed on December 2, 2004."

However, applicants have not addressed the objection. The objection is that the originally filed specification does not describe the conditions set forth in the German standard DIN 53461-B, January 1987 version, added by the amendment filed on Dec. 2, 2004. As discussed in the objection above, there is

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no disclosure in the originally filed specification that would have led a person having ordinary skill in the art to the conclusion that the version of the German DIN standard disclosed in the specification was that of January 1987. Nor is there any evidence on the present record that shows that the January 1987 version was the version used by applicants at the time the application was filed. Applicants' assertions are mere attorney arguments that are not supported by any evidence.

6. The following is a quotation of the first paragraph of 35

U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 16, 21, 24, 25, 28, and 35 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Instant claims 16 and 28 and claims dependent thereon recite that the polyolefin resin having a cyclic structure is a copolymer derived from an alpha-olefin and an alicyclic compound having "one double bond."

The originally filed specification does not provide an adequate written description of said alicyclic compound having "one double bond" as recited in the instant claims. The originally filed specification at page 4, lines 32-34, discloses a copolymer of an alpha olefin with "an alicyclic compound having a double bond, such as cyclohexene or norbornene." There is no disclosure of the broadly recited subgeneric species "alicyclic compound having one double bond" as recited in the instant claims. Nor is there any appreciation in the originally filed specification for the broadly recited "alicyclic compound having one double bond." The subgeneric species recited in instant claims includes not only the disclosed cyclohexene and norbornene monomers but other non-disclosed alicyclic compounds having one double bond that are not cyclohexene or norbornene, such as cyclobutene, tetracyclododecene, cyclopentene, etc. The two particular disclosed alicyclic compounds do not provide an adequate written description of the broad subgeneric species "alicyclic compound having one double bond" recited in the instant claims.

Applicants' arguments filed in the brief filed on Nov. 8, 2004, have been fully considered but they are not persuasive.

Applicants assert that the "reasonable interpretation and support for having one double bond can be found at page 4, four lines from the bottom of the page 'compound having a double bond, such as cyclohexene or norbornene. [sic]'" (emphasis in the original). Applicants assert that the "term 'a' indicates only one, therefore the phrase compound having a double bond means that there is only one double bond," and that the "phrase 'such as cyclohexene and norbornene' evidences that only one double bond is preferred because both . . . have only one double bond."

However, the disclosure of a "compound having a double bond," when given its broadest and reasonable interpretation, is not limited to compounds having one double bond, but includes compounds having one or more than one double bond. The disclosure "such as cyclohexene and norbornene" appears to identify preferred embodiments, rather than the exclusive class of "alicyclic compounds having [only] one double bond." For the reasons discussed in the rejection, the originally filed specification does not provide an adequate written description of the broad subgeneric species "alicyclic compound having one double bond" recited in the instant claims.

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8. Claim 26 is objected to because of the following informalities:

At line 5, the typographic error "cyclohexane" (emphasis added). Claim 26 should be corrected to recite the term "cyclohexene" (emphasis added). The typographic error occurred during the preparation of the amendment to claim 26 in the amendment filed on Feb. 9, 2004, which was perpetuated in the amendment filed on Aug. 6, 2004. See claim 26 originally filed on May 3, 2002.

Appropriate correction is required.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that

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was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f), or (g) prior art under 35 U.S.C. 103(a).

11. Claims 16, 21, 24, 26-30, and 35 are rejected under 35

U.S.C. 103(a) as being unpatentable over US 5,292,609

(Yoshikawa) combined with US 5,179,171 (Minami), as evidenced by the Aldrich Catalog, page 1063, and Polymer Technology

Dictionary, page 487.

Yoshikawa discloses a toner that comprises a colorant, such as carbon black, a vinyl-based binder resin, a wax comprising two particular polyolefin waxes, and a charge control agent.

Col. 2, lines 1-7, and examples 1-3 at cols. 7-8. Yoshikawa discloses that the colorant may also be phthalocyanine blue or quinacridone. Col. 4, lines 41-43. These colorants meet the colorant limitations recited in instant claims 16, 26, and 28.

Yoshikawa discloses that said toners may be used in the electrophotographic copying machine shown in Fig. 1, wherein the toner image, which is obtained by developing an electrostatic latent image with a toner, is fixed to a paper sheet with a heated roller 54. See Fig. 1, and col. 6, lines 18-57.

Yoshikawa discloses that said toner has excellent properties in terms of anti-offset, conservation, fluidity, and fixation.

Col. 1, lines 64-68.

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Yoshikawa does not disclose that the vinyl-based binder resin is a polyolefin resin having a cyclic structure as recited in the instant claims. However, Yoshikawa discloses that the vinyl-based binder resin can be ethylene-based copolymers or alicyclic hydrocarbon resins. Col. 4, lines 24 and 30.

Minami discloses a random copolymer resin having a cyclic structure that is within the compositional limitations recited in the instant claims. Minami discloses that the low molecular weight random copolymers can be used as electrophotographic toners. Col. 15, lines 58-59, and col. 16, line 2. The random copolymer is obtained from ethylene and at least one cycloolefin, such as bicyclo[2,2,1]hept-2-ene, which is incorporated in the polymer chain without ring opening. Col. 4, line 30, to col. 8, line 5, and especially col. 6, line 50. The random copolymer comprises saturated alicyclic groups, and is thus within the compositional limitation recited in claim 16. Ethylene and the cycloolefin are within the limitations recited in claims 16, 21, and 28. A copolymer of ethylene and bicyclo[2,2,1]hept-2-ene, which is another name for norbornene (see Aldrich Catalog, page 1063), meets the copolymer recited in instant claims 26, 29, and 30. Minami discloses that said copolymer is formed by copolymerizing ethylene and the cycloolefin in the presence of a catalyst. The catalyst

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comprises a soluble vanadium compound and an aluminum alkyl compound. Col. 8, line 11, to col. 9, line 50. Such a catalyst is recognized as a Ziegler-Natta catalyst system. See Polymer Technology Dictionary, page 487. Thus, Minami's copolymer is made by a Ziegler catalyst as recited in instant claim 27.

Minami teaches that its random copolymers have excellent transparency, thermal resistance, dielectric properties, and mechanical properties. Col. 4, lines 16-21.

Minami further discloses that its random copolymer resin having a cyclic structure may be modified by grafting thereto a monomer having an alpha, beta-unsaturated carboxylic acid group, such as acrylic acid. Col.17, lines 40-43 and 58-67. The grafted random copolymer resin having a cyclic structure meets the compositional limitation recited in instant claim 24/16. According to Minami, the grafted random copolymer has the same excellent properties as the non-grafted random copolymer and also excellent adhesion to metals and synthetic resins and good compatibility with other resins. Col. 17, lines 46-50.

It would have been obvious for a person having ordinary skill in the art, in view of the teachings of Minami, to use the random copolymer obtained from ethylene and a cycloolefin, such as norbornene, or the modified random copolymer obtained from ethylene and a cycloolefin, such as norbornene, grafted



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with an alpha-beta-unsaturated carboxylic acid monomer, such as acrylic acid, both taught by Minami, as the vinyl-based binder resin in the toner disclosed by Yoshikawa, because that person would have had a reasonable expectation of successfully obtaining an electrophotographic color toner having the properties disclosed by Yoshikawa, as well as excellent transparency.

Applicants' arguments filed in the brief on Nov. 8, 2004, have been fully considered but they are not persuasive.

Applicants assert that there is no motivation to use a cyclic olefin, as recited in the instant claims, in the Yoshikawa toner. Applicants assert that Yoshikawa discloses 18 examples of binder resins, and none of the examples in Yoshikawa use a copolymer having an alpha-olefin and an alicyclic compound having one double bond as recited in the instant claims. Applicants assert that Minami discloses that its copolymer is useful in forty different fields, and that none of the thirty-nine examples were drawn to a toner.

However, for the reasons discussed in the rejection, the references do provide reason, suggestion, and motivation, to use Minami's cyclic olefin copolymer as the toner binder resin in the Yoshikawa toner. Yoshikawa does not limit its toner to comprising only styrene-based binder resins. See reference

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claim 1 of Yoshikawa, which recites a toner comprising "a vinyl-based polymer synthetic resin." Furthermore, as discussed in the rejection, Yoshikawa teaches that the toner binder vinyl-based polymer may be "ethylene-based copolymers" or "alicyclic hydrocarbon resins." Contrary to applicants' statement that there are eighteen examples of binder resins, Yoshikawa teaches that the binder resin can be selected from thirteen (13) classes of polymers. In view of the reason, suggestion, and motivation cited in the rejection, the choice of two classes of polymers from the list of thirteen classes of polymers would have been obvious to a person having ordinary skill in the art within the meaning of 35 U.S.C. 103(a). The disclosure of a reference is not limited to its examples, or to its preferred embodiments. Rather, a reference is relevant for all that it teaches. In re Heck, 216 USPQ 1038, 1040 (Fed. Cir. 1983). "In a section 103 inquiry, 'the fact that a specific [embodiment] is taught to be preferred is not controlling, since all disclosures of the prior art, including unpreferred embodiments, must be considered.'" Merck & Co. Inc. v. Biocraft Laboratories Inc., 10 USPQ2d 1843, 1846 (Fed. Cir. 1989) (quoting In re Lamberti, 192 USPQ 278, 280 (CCPA 1976)).

Moreover, as noted in the final rejection mailed on May 3, 2004, paragraph 9, page 21, lines 10-17, in Kirk-Othmer

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Encyclopedia of Chemical Technology, fourth edition, Vol. 13

(1995), page 717, first full paragraph, lines 1-4, the term "[h]ydrocarbon resin is a broad term that is usually used to describe a low molecular weight thermoplastic polymer synthesized via the thermal or catalytic polymerization of coal-tar fractions, cracked petroleum distillates, terpenes, or pure olefinic monomers" (emphasis added). Thus, the broad definition of the term "alicyclic hydrocarbon" resins disclosed in Yoshikawa encompasses Minami's low molecular weight cyclic olefin copolymers. Accordingly, Yoshikawa's disclosure of "alicyclic hydrocarbon" resins and ethylene-based copolymers clearly encompasses the Minami cyclic olefin copolymers obtained from ethylene and norbornene.

As discussed in the rejection, Minami teaches random cyclic olefin copolymers, which meet the cyclic polyolefin recited in the instant claims. Minami discloses that its copolymers have excellent thermal resistance in addition to excellent dielectric properties, mechanical properties, and transparency. Minami teaches that low molecular weight random copolymers can be used in electrophotographic toners. Minami is drawn to random cyclic olefin copolymers and the production of said copolymers. The thirty-nine examples in Minami are drawn to the making of said copolymers. Minami discloses twenty-four uses for the low

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molecular weight random copolymers, not twenty-five as asserted by applicants. See Minami, col. 15, line 60, to col. 16, line 5. Out of the twenty-four uses, Minami discloses that its low molecular weight random copolymers can be used in "electrophotographic toners." (Applicants' comments regarding the use of the high molecular weight random copolymer is misplaced since Minami makes no suggestion that the high molecular weight copolymer can be used in an electrophotographic toner.) In view of the reason, suggestion, and motivation cited in the rejection, the choice of one use from the list of twenty-four uses would have been obvious to a person having ordinary skill in the art within the meaning of 35 U.S.C. 103(a). Accordingly, Minami provides reason, suggestion, and motivation to a person having ordinary skill in the art to use the Minami cyclic olefin copolymer as the toner binder resin in the Yoshikawa toner. Based on the disclosures in Yoshikawa and Minami, a person having ordinary skill in the art would have recognized clearly that the Minami cyclic olefin copolymer can be used as a toner binder resin.

Accordingly, the rejection stands.

12. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

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**ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD

Jan. 13, 2005

  
JANIS L. DOTE  
PRIMARY EXAMINER  
GROUP 1500-  
1700